

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF COSMETOLOGIST EXAMINERS

In the Matter of the Cosmetologist Salon
Manager License, Cosmetologist School
Manager License and Cosmetologist
Instructor's License of Kristin Chau
Vuong

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

This matter came before Administrative Law Judge Eric L. Lipman for a Prehearing Conference on February 10, 2011, at the Saint Paul offices of the Office of Administrative Hearings.

Michael J. Tostengard, Assistant Attorney General, appeared on behalf of the Minnesota Board of Cosmetologist Examiners (Board). The Licensee, Kristin Chau Vuong, appeared on behalf of herself and without counsel.

STATEMENT OF THE ISSUES

1. Did the Respondent engage in fraudulent, deceptive or dishonest acts in violation of Minn. Stat. § 155A.33, subd. 4(2) (2010)?
2. Did the Respondent engage in acts that constitute malpractice, negligence, or violated the standards and rules of the Board, in violation of Minn. Stat. § 155A.33, subd. 4(3) (2010)?

Based on the file and proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On December 28, 2011, the Board served a Notice of and Order for Hearing, Notice of Prehearing Conference, Order to Show Cause and Statement of Charges to the Respondent's address in Minneapolis, Minnesota.¹
2. The Statement of Charges made three key claims:

¹ See, Affidavit of Jean-Anne Gates (December 28, 2010).

- a. Respondent Kristin Chau Vuong is currently licensed by the Board as a cosmetologist salon manager (License No. 20589811); cosmetologist school manager (License No. 08019420); and cosmetologist instructor (License No. 20514953). These licenses are currently suspended based on the matters set forth below.
- b. On December 7, 2009, Vuong was charged in Hennepin County (Minnesota) District Court, with seven counts of bribery regarding paying a Board employee for licenses issued to students from the Midwest Beauty School who did not meet licensing requirements.
- c. On August 16, 2010, Vuong entered a guilty plea agreement in Hennepin County District Court on all seven counts of bribery.

3. At the February 10, 2011 Pre-Hearing Conference it was stipulated and agreed among the parties that the Licensee would not contest the accuracy of the matters set forth in the Statement of Charges provided that the Licensee could make a pre-disposition presentation to the Board as to mitigating circumstances in her case and an appropriate sanction. *Compare*, Minn. Stat. § 155A.33, subd. 4.

Based on the Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Administrative Law Judge and the Board of Cosmetologist Examiners have jurisdiction in this matter under Minn. Stat. §§ 14.50 and 155A.33.
2. The Respondent received proper, timely notice of the allegations against her and of the time and place of the Prehearing Conference. This matter is properly before the Administrative Law Judge.
3. The Board has complied with all procedural requirements.
4. Under the stipulation, the allegations of and issues set out in the Notice of and Order for Hearing, Notice of Prehearing Conference and Statement of Charges are not contested and deemed proved.
5. The Respondent is in violation of Minn. Stat. § 155A.33, subd. 4 (2) and (3).
6. Disciplinary action against the Respondent is in the public interest, within the meaning of Minn. Stat. § 155A.33, subdivision 4.

Based upon the Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS RECOMMENDED that the Board of Cosmetologist Examiners take appropriate disciplinary action against the Cosmetologist Salon Manager License (No. 20589811), Cosmetologist School Manager License (No. 080194230) and Cosmetologist Instructors License (No. 20514953) of Kristin Chau Vuong.

Dated: March 11, 2011

s/Eric L. Lipman
ERIC L. LIPMAN
Administrative Law Judge

Reported: Digital Recording
No transcript prepared

NOTICE

This report is a recommendation, not a final decision. The Minnesota Board of Cosmetologist Examiners will make the final decision after a review of the record. The Board may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact: Gina Stauss, Executive Director, 2829 University Avenue S.E., Suite 701, Minneapolis, MN 55414-3253 to learn the procedure for filing exceptions or presenting argument.

If the Board fails to issue a final decision within 90 days of the close of the record, this report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a. In order to comply with this statute, the Board must then return the record to the Administrative Law Judge within 10 calendar days to allow the Judge to determine the discipline to be imposed. The record closes upon the filing of exceptions to the report and the presentation of argument to the Board, or upon the expiration of the deadline for doing so. The Board must notify the parties and the Administrative Law Judge of the date on which the record closes.

Under Minn. Stat. § 14.62, subd. 1, the Board is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.